

HOOVER POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

EFFECTIVE DATE: 03/01/2005	REVISION DATE:	SECTION: 1900.02
SUBJECT: USE OF FORCE PROCEDURES - Levels of Control	APPROVED BY: Nicholas C. Derzis, Chief of Police	

Purpose:

The purpose of this policy is to describe the levels of control that a police officer may use in a confrontation, the use of handcuffs, empty hand control, the use of aerosol deterrent spray, decontamination procedures, the use of impact weapons, the use of kinetic energy weapons, and "levels of resistance" reporting.

Force that an officer uses to gain control over a subject's resistant actions is divided into the following categories:

Verbal Direction
Empty Hand Control
Intermediate Weapons
Lethal Force

Once an officer determines that he/she must use physical force, the level of force used will be dependant upon the officer's perception of resistance and danger of that resistance, and whether that resistance is placing the officer or another in jeopardy of serious injury or death. It is important to note that each officer's perception of the danger of the level of resistance will be based upon his/her past training, experience, and knowledge of physical control techniques.

A. Verbal Direction:

The majority of situations can be resolved by good communication skills or verbal direction. Often, the mere presence of an officer and proper verbal direction will be sufficient to persuade most individuals to follow an officer's direction. In any verbal confrontation, fear and anger must be defused before a suspect will be able to understand the officer's commands. This will require good communication skills and patience. Successful communication techniques can prevent many physical confrontations from escalating to higher levels.

B. Handcuffs and Restraints:

The purpose of handcuffs, flexcuffs, or transport handcuffs is to restrain movements of a subject in a manner that provides a safe means of transportation for officers. Restraints also prevent further physical resistance from a subject.

The departmental policies for the use of restraints are as follows:

All subjects taken into custody should be handcuffed behind their back. This is to ensure the safety of the officer or other citizens.

The exceptions to this rule are:

- When the subject has an injury that does not permit his/her arms to move behind the back;
- When the subject's age, physical condition, or physical limitations may also indicate a change in this procedure.

All subjects taken into custody should be handcuffed behind their back, and the handcuffs double-locked. The exception to this rule is when the arrest environment is tactically unsafe for the officer to double-lock the handcuffs.

If a subject complains that the handcuffs are too tight, the transporting officer is to ensure that unnecessary tightness, which may prevent proper blood circulation, does not occur.

To ensure proper safety for officers all subjects will be handcuffed before being searched, unless tactically unsafe to do so.

Except under exceptional circumstances, officers should not handcuff a subject to fixed objects such as posts, vehicles, buildings, etc.

It is not uncommon for an officer to arrest a subject, place him or her in restraints, and then have the subject start to resist. If an officer does encounter this type of resistance, the officer should utilize control techniques to prevent injuries to the officer or the subject. However, the control techniques should be limited to those which would not be construed as excessive force.

C. Empty Hand Control:

Empty Hand Control physical contact techniques cover a number of subject control methods. Some of these methods may be as subtle as gently guiding a subject's movements, to more dynamic techniques such as strikes or kicks, which may have a higher potential of injury to the subject. This policy divides Empty Hand Control into two categories:

Soft Empty Hand Control – techniques that have minimal implications for injury;
Hard Empty Hand Control – techniques that have a higher probability for subject injury.

1. Soft Empty Hand Control - This level of control is designed to control primarily low levels of resistance, but can be used to control any level of resistance. Soft Empty Hand Control techniques are techniques that have minimal or nonexistent possibility of injury. Generally, these techniques are used to control passive or demonstrator types of

resistance and defensive resistance. However, Soft Empty Hand Control techniques can be utilized for any level of resistance.

a. Control with Aerosol Deterrent Spray

The Department approved aerosol deterrent spray is a tool that provides officers with additional levels of resistance options to defend himself/herself or another from injury and modify an offender's behavior without physical force. This agent is a form of Soft Empty Hand Control and may be utilized at two critical points, before any physical contact, or after initial physical contact but before introduction of Hard Empty Hand Control techniques. An officer's decision to utilize this tool will be based on his/her perception of the threat and the subject's ability to carry out that threat. This provides officers with the widest range of flexibility in responding to an offender's level of resistance.

b. Guidelines for Use of Aerosol Deterrent Sprays

- 1) All uniformed officers must carry the Department approved aerosol deterrent spray. Plainclothes officers must have access to the Department approved aerosol deterrent spray.
- 2) All officers will receive initial and annual refresher training. During initial training, all officers must experience exposure to the aerosol deterrent spray by direct or indirect means.
- 3) The aerosol deterrent spray shall be carried in an appropriate holder and never displayed or pointed at another individual in the form of horseplay.
- 4) At no time shall an officer unnecessarily brandish, or use the aerosol deterrent spray as an intimidating device unless the officer is attempting to prevent further escalation of force.
- 5) Because of the possible flammability concerns, the aerosol deterrent spray should not be used near open flames or electric shock devices, e.g., Tasers, stun guns, etc.
- 6) Anytime the aerosol deterrent spray is used for controlling an offender, the application of the agent will cease when the offender discontinues resistance or aggression, or as soon as the officer deems the spray to be ineffective. Officers should be prepared to employ other means to control the suspect if he/she does not respond sufficiently to the spray and cannot otherwise be subdued. The effect of the aerosol deterrent spray varies among individuals; therefore, all suspects should be handcuffed as soon as possible after being sprayed.
- 7) The officer will ensure the affected offender receives decontamination attention as soon as possible.
- 8) When booking the affected offender, the arresting officer will advise jail personnel of the exposure to prevent unnecessary contamination of other jail

personnel and to ensure jail personnel provide special attention to the prisoner until decontamination is complete.

- 9) All spray discharges (accidental and intentional) shall be reported to the officer's immediate supervisor as soon as possible. A "Levels of Resistance Report" shall be completed for all discharges (except testing, training, malfunction or accidental) and forwarded to the appropriate Bureau Commander for distribution as necessary. A copy shall be forwarded to the Training Division for file.

c. Decontamination

- 1) Immediately after spraying a suspect, officers should be alert to any indications that the individual needs medical care. This includes, but is not limited to, breathing difficulties, gagging, profuse sweating, and loss of consciousness.
- 2) Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone prior to transport to the jail facility.
- 3) Persons exposed to the aerosol deterrent spray should relax and keep calm. Talking reassuringly to the exposed person will help relieve his/her discomfort and prevent panic. Major discomfort should disappear within 30 – 40 minutes.
- 4) Remove the affected person from the contaminated area to an open, upwind position. Keep eyes open, facing wind. Advise affected person that tearing helps clear the eyes and not to rub them. They should breathe normally and blow nose to remove discharge. Restrict activity to reduce sweating.
- 5) For the first 10 – 15 minutes, give no water – only air. Afterwards, water can be used to help wash off any remaining chemical agent. Never put salve, oil, or cream on the affected subject's face. This only locks the agent on the face and does not allow the effects to evaporate.
- 6) Have exposed persons remove contact lenses and wash them before reinserting them back in the eyes.
- 7) In most cases, medical attention is not required. However, if normal decontamination procedures are not effective, the supervisor (or an officer in the event a supervisor is not available) or jail personnel shall call the Fire Department paramedics and have the subject checked. The subject will be transported to a medical facility if necessary.

2. Hard Empty Hand Control -This level of control is for high levels of defensive resistance, active aggression, or aggravated active aggression. These techniques are applied when lower forms of control have failed or when not applicable because the subject's resistance level was at a perceived dangerous level. Techniques that fall into this level of force have a probability of creating soft or connective tissue damage, skin

lacerations that require medical attention, or bone fractures. Although the use of these techniques may create some minimal injury to the offender, an officer may be risking injury to self or have to utilize higher levels of control (such as intermediate weapons) if Hard Empty Hand Control had not been used.

The only techniques that are considered as Hard Empty Hand Control tactics in the Hoover Police Department are known as Striking Techniques.

Striking Techniques – Techniques that may be delivered with an officer's open hand, fist, forearm, leg or foot. Preferably, the target points for these types of strikes will be delivered to major muscle mass such as the legs, arms, shoulders, or side of neck. If the targets are these, the strikes will create muscle cramping, thus inhibiting muscle action. However, it may be necessary for the officer to strike areas where there is a potential injury, such as the face or very sensitive areas of the body.

Medical Considerations: Any time an officer finds it necessary to strike a subject where an injury occurs, it is the policy of this department that the officer shall:

- Immediately contact the supervisor and advise the supervisor of the nature of the injury.
- The supervisor (or an officer, in the event a supervisor is not available) shall call the Fire Department paramedics to check the subject and will, if required, transport the subject to the closest medical facility for medical attention.

D. Control with Impact Weapons:

This level of control employs the use of Department approved tools that provide a method of controlling subjects when deadly force is not justified, but when Empty Hand Control techniques are not sufficient in effecting an arrest. Whenever an officer uses an intermediate weapon for control, it should always be with the intent to temporarily disable an offender, and never with the intent of creating permanent injury. When intermediate weapons are used, it is quite likely that some form of skin irritation, bruising, soft or connective tissue damage, or bone fractures may occur.

1. **Guidelines for Use of Impact Weapons**

The Department approved baton and kinetic energy weapons are tools that can provide a means by which an officer can defend himself/herself or another from injury and a means of controlling offenders when an officer is facing resistance in the form of active aggression or aggravated active aggression.

Each police officer of the Hoover Police Department is required to carry a straight baton when in uniform. Batons may be of solid construction or expandable, and must be a minimum of 21 inches in length up to a maximum of 26 inches in length.

The policy for the carrying and use of the baton are as follows:

- a. No officer shall carry a baton for which he/she has not had annual certified training.

- b. Uniformed officers should carry the baton in the baton holder or in a low profile position when the baton is not being used. Plainclothes officers may keep the baton in a location that will allow ready access when situations require the use thereof.
- c. At no time shall an officer unnecessarily brandish or use the baton as an intimidation device unless the officer is attempting to prevent the further escalation of force.
- d. All strikes with a baton should be delivered to the following areas:

Primary targets, major muscle mass – Such as forearms, thighs, or calves. These locations should be primary targets because of the low implications of subject injury. Impact weapon strikes to these locations normally create severe muscle cramping which inhibits a subject's ability to continue aggression.

Secondary targets, joints or bones – These targets, the elbows, wrists, and knees, have a high probability of creating soft or connective tissue damage or bone fractures when struck with an impact weapon.

Deadly force targets, head, neck, throat, and clavicle – Impact weapon strikes to these areas should not be used unless the officer is justified in using Deadly Force. These striking points have high implications of creating severe injury in the form of great bodily harm or death.

- e. Any time an officer finds it necessary to strike a subject with a baton, the officer will immediately contact a supervisor and inform the supervisor of the incident.
 - f. The supervisor (or an officer in the event a supervisor is not available) shall call the Fire Department paramedics to check the subject and have the subject transported to a medical facility if required for medical attention.
2. The policy for the carrying and use of kinetic energy weapons are as follows:
- a. No officer shall carry a kinetic energy weapon for which he/she has not had annual certified training.
 - b. Kinetic energy weapons will be stored in the case and secured in the trunk of the police vehicle.
 - c. Kinetic energy weapons should only be loaded with less-lethal munitions. When an officer takes possession of a kinetic energy weapon, the weapon will be unloaded so the officer can verify that the weapon is properly loaded with less-lethal munitions.
 - d. Any officer deploying a less-lethal weapon should notify all responding units that the weapon has been deployed and, if possible, give a warning before the weapon is discharged.
 - e. At no time shall an officer unnecessarily brandish or use the kinetic energy weapon as an intimidation device unless the officer is attempting to prevent the further escalation of force.

- f. All strikes with a kinetic energy weapon should be delivered to the following areas:

Primary targets, major muscle mass – Such as forearms, thighs, or calves. These locations should be primary targets because of the low implications of subject injury. Impact weapon strikes to these locations normally create severe muscle cramping which inhibits a subject's ability to continue aggression.

Secondary targets, joints or bones – These targets, the elbows, wrists, and knees, have a high probability of creating soft or connective tissue damage or bone fractures when struck with an impact weapon.

Deadly force targets (head, neck, throat, and clavicle) – Impact weapon strikes to these areas should not be used unless the officer is justified in using Deadly Force. These striking points have high implications of creating severe injury in the form of great bodily harm or death.

- g. Any time an officer finds it necessary to use a kinetic energy weapon, the officer will immediately inform a supervisor of the incident.
- h. The supervisor (or an officer in the event a supervisor is not available) shall call the Fire Department paramedics to check the subject and have the subject transported to a medical facility, if required, for medical treatment.

E. Levels of Resistance Report:

Any time physical force is used to subdue and/or arrest an individual, a Hoover Police Department Levels of Resistance Form must be filled out and submitted through the chain of command to the appropriate Bureau Commander. The Bureau Commander shall forward a copy of the report to the Training Division to be kept on file. The Chief of Police will also be notified of any use of force resulting in serious injury.